

A marked version of this claim appears in an appendix to this Amendment and Response.

REMARKS

Claims 1-4 and 29 are pending.

Claims 1-4 and 29 are rejected.

Claim 1 is amended.

Applicants request reconsideration of 1-4 and 29.

I. Rejection of claim under §112

The Examiner rejected claim 1 under §112 ¶1, arguing that the body of the claim and the Specification support the deposition of a wide range of materials other than a metal. The only place claim 1 that mentioned deposition of a metal was the preamble. Accordingly, Applicants have clarified the preamble in this Amendment and Response so that the preamble is commensurate with the claim body.

The Examiner further rejected claim 1 under §112 ¶1, arguing a lack of enablement concerning the limitation of a plasma of approximately 50 to 90 % of a metal-containing gas. Applicants direct the Examiner to paragraph [0040] of the Specification. Applicants contend that paragraph [0040]'s discussion of "a plasma . . . containing approximately 50 to 90% of a metal-containing gas," when read in context, not only enables the claim but also refutes the Examiner's contention that the Specification *cannot* enable the claim.

The Examiner also rejected claim 1 under §112 ¶2 as being indefinite in light of the "50 to 90 % of a metal-containing gas" language discussed above. Applicants contend that the supporting paragraph also discussed above -- paragraph [0040] -- provides sufficient definiteness and refutes the Examiner's proposition that definiteness *cannot* be provided.

## II. Rejection of claims under §102

The Examiner rejected claims 1-4 and 29 as being anticipated by U.S. Pat. No. 6,051,286 by Zhao et al. It is noteworthy that the Examiner had previously rejected the claims under Zhao. (See Office Action dated 3/7/02 at p. 3-4.) In doing so, the Examiner relied on a long string of Zhao citations in an attempt to support Zhao's disclosure of the limitation concerning a plasma of approximately 50 to 90 % of a metal-containing gas. (*Id.*) In response, Applicants addressed each citation, pointing out that they either (1) were not relevant to that limitation; or (2) actually taught only the exact opposite of that limitation. (First Amendment and Response to the Office Action dated 3/7/02 at 3-6.) In the latest Office Action, the Examiner indicated that such arguments were unpersuasive due to the §112 issues concerning that limitation. (Office Action dated 9/12/02 at p. 4-5.) Based on the arguments presented above in part I, Applicants contend that the §112 issues of the relevant limitation are resolved. Accordingly, Applicants submit that the Examiner's reconsideration of the arguments presented in the First Amendment and Response will warrant a withdrawal of the rejections.

Applicants contend that such a withdrawal is warranted even though the latest Office Action contains a "new" cite to Zhao purporting to disclose the limitation concerning a plasma of approximately 50 to 90 % of a metal-containing gas. (Office Action dated 9/12/02 at p. 4 (citing Zhao at col. 36, lines 21-24 and 41-67).) That citation concerns text relevant to Zhao's figure 19, and that figure was part of the string cite in the previous Office Action. (Office Action dated 3/7/02 at p. 3.) Accordingly, Applicants addressed that text in the First Amendment and Response (page 4), indicating that it actually discloses only the opposite of the limitations at-issue. (Applicants note that independent claim 1 refers to a plasma of approximately 50 to 90 % of a metal-containing *gas*, while independent claim 29 refers to a plasma of approximately 50 to 90 % metal-containing *compound*.)

Concerning the Examiner's statements on metal deposition in a closed CVD chamber (Office Action dated 9/12/02 at p. 5), Applicants contend that such a statement reflects a misunderstanding of the claim language and submits that a careful reading of the Specification's "[0040] will remove such misunderstanding.

## CONCLUSION

In light of the above amendments and remarks, Applicants submit that claims 1-4 and 29 are allowable in light of the §112 standards and the applied reference. Therefore, Applicants respectfully request reconsideration of the Examiner's rejections and further requests allowance of all of the pending claims. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact Applicants' undersigned attorney at the number indicated.

Respectfully submitted,



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Appendix 1: Marked version of amended claim.

1. (Thrice amended) A process of PECVD deposition [of metal films] comprising the steps of:  
    providing an ion promoting atmosphere; and  
    contacting a substrate with a plasma of approximately 50 to 90 % of a metal-containing  
    gas in said ion promoting atmosphere.